



**GOV. MSG. NO. 1272**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 1, 2021

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 1, 2021, the following bill was signed into law:

SB1220 SD1

RELATING TO CRIMINAL HISTORY RECORD  
CHECKS  
**ACT 170 (21)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor

on JUL 01 2021

THE SENATE  
THIRTY-FIRST LEGISLATURE, 2021  
STATE OF HAWAII

**ACT 170**  
**S.B. NO.** 1220  
S.D. 1

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# A BILL FOR AN ACT

RELATING TO CRIMINAL HISTORY RECORD CHECKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

- 1           SECTION 1. Section 846-2.7, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:
- 3           " (b) Criminal history record checks may be conducted by:
- 4           (1) The department of health or its designee on operators  
5 of adult foster homes for individuals with  
6 developmental disabilities or developmental  
7 disabilities domiciliary homes and their employees, as  
8 provided by section 321-15.2;
- 9           (2) The department of health or its designee on  
10 prospective employees, persons seeking to serve as  
11 providers, or subcontractors in positions that place  
12 them in direct contact with clients when providing  
13 non-witnessed direct mental health or health care  
14 services as provided by section 321-171.5;
- 15           (3) The department of health or its designee on all  
16 applicants for licensure or certification for,  
17 operators for, prospective employees, adult







- 1           (13) The department of human services on staff members of  
2           the Hawaii youth correctional facility as provided by  
3           section 352-5.5;
- 4           (14) The department of human services on employees,  
5           prospective employees, and volunteers of contracted  
6           providers and subcontractors in positions that place  
7           them in close proximity to youth when providing  
8           services on behalf of the office or the Hawaii youth  
9           correctional facility as provided by section 352D-4.3;
- 10          (15) The judiciary on employees and applicants at detention  
11          and shelter facilities as provided by section 571-34;
- 12          (16) The department of public safety on employees and  
13          prospective employees who are directly involved with  
14          the treatment and care of persons committed to a  
15          correctional facility or who possess police powers  
16          including the power of arrest as provided by section  
17          353C-5;
- 18          (17) The board of private detectives and guards on  
19          applicants for private detective or private guard  
20          licensure as provided by section 463-9;



- 1 (18) Private schools and designated organizations on  
2 employees and prospective employees who may be in  
3 positions that necessitate close proximity to  
4 children; provided that private schools and designated  
5 organizations receive only indications of the states  
6 from which the national criminal history record  
7 information was provided pursuant to section 302C-1;
- 8 (19) The public library system on employees and prospective  
9 employees whose positions place them in close  
10 proximity to children as provided by section 302A-  
11 601.5;
- 12 (20) The State of any of its branches, political  
13 subdivisions, or agencies on applicants and employees  
14 holding a position that has the same type of contact  
15 with children, vulnerable adults, or persons committed  
16 to a correctional facility as other public employees  
17 who hold positions that are authorized by law to  
18 require criminal history record checks as a condition  
19 of employment as provided by section 78-2.7;
- 20 (21) The department of health on licensed adult day care  
21 center operators, employees, new employees,



- 1 subcontracted service providers and their employees,  
2 and adult volunteers as provided by section 321-15.2;
- 3 (22) The department of human services on purchase of  
4 service contracted and subcontracted service providers  
5 and their employees serving clients of the adult  
6 protective and community services branch, as provided  
7 by section 346-97;
- 8 (23) The department of human services on foster grandparent  
9 program, senior companion program, and respite  
10 companion program participants as provided by section  
11 346-97;
- 12 (24) The department of human services on contracted and  
13 subcontracted service providers and their current and  
14 prospective employees that provide home and community-  
15 based services under section 1915(c) of the Social  
16 Security Act, title 42 United States Code section  
17 1396n(c), or under any other applicable section or  
18 sections of the Social Security Act for the purposes  
19 of providing home and community-based services, as  
20 provided by section 346-97;





1 control of licensee will be a principal of the  
2 licensee,

3 as provided by sections 489D-9 and 489D-15;

4 (29) The department of commerce and consumer affairs on  
5 applicants for licensure and persons licensed under  
6 title 24;

7 (30) The Hawaii health systems corporation on:

8 (A) Employees;

9 (B) Applicants seeking employment;

10 (C) Current or prospective members of the corporation  
11 board or regional system board; or

12 (D) Current or prospective volunteers, providers, or  
13 contractors,

14 in any of the corporation's health facilities as  
15 provided by section 323F-5.5;

16 (31) The department of commerce and consumer affairs on:

17 (A) An applicant for a mortgage loan originator  
18 license, or license renewal; and

19 (B) Each control person, executive officer, director,  
20 general partner, and managing member of an



1           applicant for a mortgage loan originator company  
2           license or license renewal,  
3           as provided by chapter 454F;

4       (32) The state public charter school commission or public  
5       charter schools on employees, teacher trainees,  
6       prospective employees, and prospective teacher  
7       trainees in any public charter school for any position  
8       that places them in close proximity to children, as  
9       provided in section 302D-33;

10      (33) The counties on prospective employees who work with  
11      children, vulnerable adults, or senior citizens in  
12      community-based programs;

13      (34) The counties on prospective employees for fire  
14      department positions which involve contact with  
15      children or vulnerable adults;

16      (35) The counties on prospective employees for emergency  
17      medical services positions which involve contact with  
18      children or vulnerable adults;

19      (36) The counties on prospective employees for emergency  
20      management positions and community volunteers whose  
21      responsibilities involve planning and executing



1           homeland security measures including viewing,  
2           handling, and engaging in law enforcement or  
3           classified meetings and assisting vulnerable citizens  
4           during emergencies or crises;

5       (37) The State and counties on employees, prospective  
6           employees, volunteers, and contractors whose position  
7           responsibilities require unescorted access to secured  
8           areas and equipment related to a traffic management  
9           center;

10       (38) The State and counties on employees and prospective  
11           employees whose positions involve the handling or use  
12           of firearms for other than law enforcement purposes;

13       (39) The State and counties on current and prospective  
14           systems analysts and others involved in an agency's  
15           information technology operation whose position  
16           responsibilities provide them with access to  
17           proprietary, confidential, or sensitive information;

18       (40) The department of commerce and consumer affairs on:

19           (A) Applicants for real estate appraiser licensure or  
20           certification as provided by chapter 466K;



1 (B) Each person who owns more than ten per cent of an  
2 appraisal management company who is applying for  
3 registration as an appraisal management company,  
4 as provided by section 466L-7; and

5 (C) Each of the controlling persons of an applicant  
6 for registration as an appraisal management  
7 company, as provided by section 466L-7;

8 (41) The department of health or its designee on all  
9 license applicants, licensees, employees, contractors,  
10 and prospective employees of medical cannabis  
11 dispensaries, and individuals permitted to enter and  
12 remain in medical cannabis dispensary facilities as  
13 provided under sections 329D-15(a)(4) and 329D-  
14 16(a)(3);

15 (42) The department of commerce and consumer affairs on  
16 applicants for nurse licensure or license renewal,  
17 reactivation, or restoration as provided by sections  
18 457-7, 457-8, 457-8.5, and 457-9;

19 (43) The county police departments on applicants for  
20 permits to acquire firearms pursuant to section 134-2





1 (46) The department of labor and industrial relations on  
2 current or prospective employees or contractors who  
3 have access to federal tax information in order to  
4 comply with requirements of federal law, regulation,  
5 or procedure, as provided by section 383-110;

6 (47) The department of human services on current or  
7 prospective employees or contractors who have access  
8 to federal tax information in order to comply with  
9 requirements of federal law, regulation, or procedure,  
10 as provided by section 346-2.5;

11 (48) The child support enforcement agency on current or  
12 prospective employees, or contractors who have access  
13 to federal tax information in order to comply with  
14 federal law, regulation, or procedure, as provided by  
15 section 576D-11.5; [~~and~~]

16 (49) The University of Hawaii on current and prospective  
17 employees and contractors whose duties include  
18 ensuring the security of campus facilities and  
19 persons; and



1        [~~49~~] (50) Any other organization, entity, or the State,  
2                    its branches, political subdivisions, or agencies as  
3                    may be authorized by state law."

4        SECTION 2. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6        SECTION 3. This Act shall take effect upon its approval.

APPROVED this    01        day of    JUL        , 2021



GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: March 5, 2021  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.

  
President of the Senate

  
Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF HAWAI'I**

Date: April 8, 2021  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.

  
Speaker, House of Representatives

  
Clerk, House of Representatives